IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16027 of 2004

Between:

Ch. Venkaiah, S/o. Kasaiah,
R/o. Katakanipalli, Dornala(M), Prakasam District.

..... PETITIONER

AND

1 Joint Collector, Prakasam District at Ongole.
2 Revenue Divisinal Officer, Markapur, Prakasam District.
3 Mandal Revenue Officer, Dornala (M), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring order of the 1st respondent in Rc CS2/2652/2004, dt. 3-8-2004 as illegal, irregular and violative of Arts. 14, 19 and 21 of the constitution of India and AP Schedule Commodities (Regulation of Distribution by Card System) Order 2001 and set aside the same and consequently suspend the operation of order passed by 2nd respondent in Rc. H/1205/2004, dt. 15-7-2004 pending disposal of the appeal on the file of 1st respondent in the interests of justice.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

Petitioner is the authorised dealer of the Fair Price Shop of Katakanipalli village, Dornala Mandal, Prakasam District. His authorisation has been suspended by the second respondent-Revenue Divisional Officer, Dornala, Prakasam District by order dated 15-07-2004 pending enquiry into the alleged irregularities in distribution of the essential commodities. Aggrieved by the same, petitioner filed an appeal along with an application for stay before the first respondent-Joint Collector, Ongole, Prakasam District. First respondent-Joint Collector, Ongole, Prakasam District having entertained the appeal by order, dated, 03-08-2004 rejected the application for stay, which is under challenge in this writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents and perused the material available on record.

Having regard to the nature of the allegations as reflected from the order of suspension, dated 15-07-2004, I am unable to hold that the impugned order of the first respondent in rejecting the application for stay pending appeal, suffers from any infirmity.

Though the learned counsel for the petitioner raised various contentions with regard to the correctness of the allegations made, since the statutory appeal is pending, I

am not inclined to express any opinion on merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent-Joint Collector, Ongole, Prakasam District to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order in accordance with law. Till the appeal is disposed of, there shall be a direction not to appoint any temporary or permanent dealer in respect of the shop in question.

Writ petition is disposed of with the above direction. No costs.

_____

09-09-2004

Note: Issue C.C. by tomorrow.

B/o

klp

To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Kanigiri, Prakasam District.

4 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT).

5 2CD copies